

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 ----oOo----

4 PATRICIA DESANTIS, individually)
5 and as Success in Interest for)
6 RICHARD DESANTIS, deceased, and)
as Guardian ad Litem for DANI)
DESANTIS, a minor,)

7 Plaintiffs,)

8 vs.)

Case No. C 07-3386 JSW

9 CITY OF SANTA ROSA, JERRY)
10 SOARES, RICH CELLI, TRAVIS)
MENKE, PATRICIA MANN and DOES 1)
11 through 25, inclusive,)

12 Defendants.)

13
14
15
16 DEPOSITION OF PATRICIA DAWN FARRELL DESANTIS

17 REPORTED BY THOMAS DAVID BONFIGLI,

18 C.S.R. LIC. NO. 5498

19 NOVEMBER 30, 2007

20 10:05 A.M.

21 ----oOo----

1 Q. And what did he do?

2 A. Quality-control, quality-control inspection,
3 the final part of the mill process, buffing out the
4 weld, making sure there wasn't anything wrong with the
5 pipe, grinding the edges so that the bevel would match
6 up when the pipe ends were loaded together.

7 Q. And did he quit working there also because he
8 was laid off?

9 A. No.

10 Q. Then why did he quit working there?

11 A. He failed the random drug test for marijuana.

12 Q. How frequently was he using marijuana during
13 that time?

14 A. When his leg bothered him. He had significant
15 nerve regrowth in his leg.

16 Sorry. I have dental --

17 Q. It's just easier if you keep your hands away
18 from your mouth. That makes it a little easier for the
19 reporter to hear you.

20 A. Right.

21 Q. So how often would that be on an average? Was
22 he smoking every day?

23 A. Not quite daily.

24 Q. And did he have a prescription at that time
25 for medical marijuana?

1 A. There was no such thing at that time.

2 Q. And when did he first start smoking marijuana,
3 to your knowledge?

4 A. I don't know.

5 Q. Do you know if he was smoking marijuana when
6 you first met him when you were 14?

7 A. Yes.

8 Q. Was he doing any other types of drugs when you
9 first met him?

10 A. Not at the time that I was aware of.

11 Q. Did you later become aware that he was?

12 A. Yeah.

13 Q. And what types of drugs were you aware he was
14 doing?

15 A. Crank a couple times in those years.

16 Q. That would have been when he was 14, 15?

17 A. In -- yeah, 14, 15, 16. Well, no. He was 15
18 when we met.

19 Q. Any other types of drugs that he was doing
20 when -- during that period of time?

21 A. He did mushrooms once; vowed never again.

22 Q. How about cocaine or acid?

23 A. Definitely not acid. I don't know about
24 anything else.

25 Q. At some point in time, did he get a

1 prescription for medical marijuana?

2 A. Yes.

3 Q. And when was that?

4 A. I don't know exactly. Two or three years ago.

5 Q. And do you know where he got that from, which
6 doctor?

7 A. Medi-Can.

8 Q. I assume --

9 A. -- is the name of the office. I don't know
10 the name of the doctor.

11 Q. And do you know where it's located?

12 A. Rincon Valley area.

13 Q. And was that for the pain associated with his
14 leg?

15 A. Yes. He couldn't function with all the pain
16 pills, and that worked better.

17 Q. And so from the time that he got this
18 prescription for medical marijuana, did he continue to
19 use that up until April of 2007?

20 A. He had quit using it on and off at various
21 times for work for his own wanting to try and be
22 clear-headed.

23 Q. And during the times that he was using, was he
24 doing that on a daily basis?

25 A. Nearly, a little bit.

1 let Jadon, her oldest kid, play outside unsupervised,
2 totally unsupervised, and not check on him, so it wasn't
3 responsible parenting.

4 Q. Any other issues between the two of them?

5 A. Nothing that I was specifically made aware of
6 until after the fact.

7 Q. And what did you become aware of after the
8 fact?

9 A. That Joe was encouraging Richard to do things
10 I'd rather he didn't do.

11 Q. Such as?

12 A. Joe started offering my husband
13 methamphetamine.

14 Q. And when did you become aware of that?

15 A. The Friday before Richard was killed.

16 Q. And did Richard tell you that?

17 A. Yes.

18 Q. And what did he tell you?

19 A. Exactly that.

20 Q. That Joe had been giving him meth?

21 A. Yes.

22 Q. Did you ever have any conversations with Joe
23 about that subject?

24 A. Yes.

25 Q. When did you have a discussion with Joe?

1 A. That Friday.

2 Q. The same day Richard told you?

3 A. Yes.

4 Q. And what did you discuss with Joe?

5 A. If he ever brought it around my husband again,
6 I was going to rat on him to his girlfriend.

7 Q. Anything else you can recall in that
8 conversation with Joe?

9 A. That I didn't appreciate him disrespecting me
10 so much that he would do something that I was so
11 vehemently against.

12 Q. Did Richard tell you how long he had been
13 doing meth?

14 A. Not specifically.

15 Q. Prior to the time that Richard told you the
16 Friday before this incident that he had been doing meth,
17 did you have any suspicions that he was perhaps doing
18 methamphetamine?

19 A. I wouldn't know where to draw that line there.
20 There's something in his mania and bipolar that would
21 remind me of that behavior, so I chalked it up to him
22 being there.

23 Q. And what types of behaviors would those be?

24 A. Not sleeping; bouncing off the walls; erratic
25 energy; inability to focus, which is more an issue of

1 Q. So when Richard told you the Friday before the
2 incident that he had been doing meth, did that surprise
3 you?

4 A. I was pretty much floored.

5 Q. When was the last time prior to that point in
6 time that you had been aware that he had used meth
7 before?

8 A. I couldn't pinpoint a date. It was years;
9 and that I'm specifically aware of was before he got
10 into iron work.

11 Q. And how did he tell you that?

12 A. That Friday?

13 Q. Yeah.

14 A. I got home from work, and he was waiting for
15 me, like every day he waited for me, asked me how my day
16 was, but he said, "Honey, I've got to talk to you. I
17 messed up."

18 "Okay. Messed up how?"

19 So we went in the bedroom, shut the door,
20 'cause you don't talk about stuff like that in front of
21 the kids, and said, "I have to tell you something.
22 You're going to be mad at me.

23 And, "Okay. Well, I'll be more mad at you if
24 I find out from someone else, so tell me."

25 "I've been doing crank."

1 I didn't have an answer for that. And he
2 wanted me to have a reaction or something, say
3 something, yell at him or something, you know, talk to
4 him, something. I didn't really have anything to say.

5 And then I got mad at him. I don't recall
6 exactly what was said. I told him I was disappointed,
7 he knows how much of an issue I have with it, and I can
8 take -- I can tolerate a lot of things, but that's one
9 thing I won't; and I know that people make mistakes, but
10 that's one I didn't want him making.

11 Q. And how did it come out that your neighbor,
12 Joe, was the one who had been providing him with meth?
13 Did you ask, or did he volunteer?

14 A. I asked. I told him, You better tell me who
15 he was getting it from so I could take out my
16 frustration on him instead of him.

17 Ultimately, I know everybody makes their own
18 decisions, but --

19 Q. So did he indicate he was getting it from
20 anyone else other than Joe?

21 A. Hmm. I don't remember. I was kind of in an
22 adrenaline mood right then. I don't remember exactly
23 what was said.

24 Q. And did he give you any indication about how
25 much he had been doing or how frequently?

1 Q. So it's somewhere between one and five?

2 A. Yeah, I think that's about where.

3 Q. And you said that Richard was planning to go
4 back to work. Had he gotten clearance from his doctor
5 to return to work?

6 A. He had clearance back in August or September
7 to go back to work.

8 Q. But chose to stay home.

9 A. Because we had the savings and he wanted to
10 spend time with the kids.

11 Q. And so did he have a plan as to when he was
12 going to go back to work?

13 A. Monday, April 9th. His truck was already
14 loaded before everything happened. He had his boots by
15 the door; he had his jeans on; he had got a haircut; he
16 had his ironworker's shirt hanging by the bedroom door;
17 he was going to go to the union hall three hours after
18 he died is when he would have left. He would have gone
19 to the union hall, checked in and said, Hey, I'm here
20 looking for work. They wouldn't have given him a
21 dispatch yet; they would have just added his name to the
22 active list; and then he was going to go to Kaiser.

23 Q. And why was he going to go to Kaiser?

24 A. Because he and I had talked Friday and
25 Saturday about his mania and the fact that his

1 Q. And you said that on Friday and Saturday,
2 you'd had these discussions with Richard about his
3 mania. When did you first start noticing some symptoms
4 prior to April 8th that you described as the mania?

5 MR. SCOTT: You mean when did she first in
6 her whole relationship with him?

7 MS. FOWLER: No, prior to this incident.

8 MR. SCOTT: You're not asking for years;
9 you're asking her for days or weeks or month?

10 MS. FOWLER: I'm asking within the time frame.
11 Let me rephrase that so it's a little bit clearer.

12 Q. You said that you'd had discussions on Friday
13 and Saturday --

14 A. Uh-huh.

15 Q. -- that you observed he was having these mania
16 characteristics and you felt he needed to go to the
17 hospital?

18 A. Correct.

19 Q. Okay. When did he first start experiencing
20 those symptoms that led you to conclude he should go to
21 the hospital on Monday?

22 A. Saturday.

23 Q. And what was it that was occurring that caused
24 you to believe that?

25 A. He couldn't sleep. He just had a feeling of

1 panic when there was no threat, just being afraid,
2 bouncing off the walls.

3 If it hadn't been a holiday weekend, he would
4 have gone Saturday, but he didn't want to miss Easter
5 with his grandparents. They're old; and obviously, his
6 grandmother died April 9th, so they weren't getting any
7 younger. He didn't want to miss the holiday with them
8 'cause he felt that if he went for an evaluation, they
9 were going to put him on another three-day hold, and he
10 was fine with that, but he didn't want to miss the
11 holiday.

12 Q. When he would have these episodes, was he
13 aware that he was acting differently from how he would
14 normally act when he wasn't having those feelings?

15 A. Sometimes; when it was mild.

16 Q. And did he agree with you when you had your
17 discussion about the need for him to go to Kaiser on
18 Monday, did he concur with that?

19 A. Yes.

20 Q. And you mentioned some medication. In April
21 of 2007, was he taking medication?

22 A. He had a prescription for lithium that I had
23 been under the impression he had been taking a long
24 time. Friday, that Friday, he told me he'd been off it
25 for about a month, but then he had started taking it

1 again Tuesday or Wednesday of that week. However, it
2 takes awhile to become effective.

3 Q. Do you know when he got that prescription for
4 lithium?

5 A. After April, '06, when he was hospitalized.
6 He didn't like medications they prescribed him at the
7 in-patient treatment, so he went to the doctor who
8 originally diagnosed him in Vallejo and asked for
9 something else.

10 Q. And do you know approximately when that was?

11 A. No, I don't.

12 Q. Do you know the name of the doctor that he
13 saw?

14 A. It was Kaiser Vallejo.

15 Q. Do you know the specific doctor's name?

16 A. I think Dr. Rulon.

17 Q. I'm sorry. Dr. --

18 A. Rulon, R-U-L-O-N.

19 Q. And did you go with him?

20 A. No.

21 Q. Did you go with him to see Dr. Rulon?

22 A. Not that time. I had on previous occasions.

23 Q. And when he went to see Dr. Rulon sometime
24 after April of '06, Dr. Rulon prescribed the lithium for
25 him?

1 A. Correct.

2 Q. And it was your belief that from that time up
3 until he told you that Friday that he hadn't been taking
4 it that he was taking it?

5 A. Correct.

6 Q. And did he tell you that in the same
7 conversation he told you that he'd been using meth?

8 A. Correct.

9 Q. Did he tell you why he stopped taking it?

10 A. Because it made him feel lethargic and
11 unmotivated, and he wanted to be motivated, he wanted to
12 take care of the house, and he wanted to take care of
13 the kids, and he wanted to get back into physical shape
14 so that when he went to work, he wouldn't hurt himself.

15 Q. And he told you on that Friday that he had
16 been off his medication for approximately a month?

17 A. About that.

18 Q. After he told you that, did you reflect back
19 and think about whether you had observed any changes in
20 him?

21 A. Yes.

22 Q. And what did you think about that? Did it
23 kind of like make things make sense, or --

24 A. To a point. Even with the medication, the
25 mania can come through, so that's what I thought I was

1 doing it.

2 Q. Had you -- prior to April of 2007, had you
3 ever had discussions with anyone that you wanted Richard
4 to go into rehab?

5 A. No. He would do that for himself if he felt
6 it was necessary. He went through the chemical-
7 dependency recovery program at Kaiser Vallejo a couple
8 times on his own.

9 Q. And what chemical dependency was that for?

10 A. It would be for a couple things. He tried to
11 quit smoking pot, and anything else he might have wanted
12 to do. He would go to NA meetings a few times a year
13 just out of nowhere, just said, "I'm going to a
14 meeting."

15 "Okay."

16 Q. Do you recall when those occasions were that
17 he went to the chemical-dependency recovery at Kaiser?

18 A. When Timothy was a baby, in '04. I think -- I
19 think he went in '06. I was working, so I wasn't there
20 all the time.

21 Q. During the time that you lived with Denise,
22 did she ever tell you that she thought Richard was using
23 meth at that time period?

24 A. We had discussions about it.

25 Q. And what did you discuss?

1 the night before. He'd gone the whole day without doing
2 that.

3 And, "Okay."

4 Then he'd stop and go, "You hear that?"

5 "There's no one up there."

6 "Okay."

7 And then he gets halfway out the door, runs
8 back, grabs the gun from wherever it was on top of his
9 shelves and starts firing at the ceiling.

10 Q. At that time, how many guns were you aware of
11 that were in the house?

12 A. Two.

13 Q. And what guns were those?

14 A. The Glock and the rifle.

15 Q. And did those both belong to Richard?

16 A. Well, I knew the Glock either belonged to him
17 or my dad 'cause they both had one.

18 The rifle I thought belonged to one of his
19 friends, but I guess it was my dad's.

20 Q. And did it turn out that there was also
21 another gun that you hadn't been aware of was in the
22 house?

23 A. Yes. There was a small pistol. I have no
24 idea where it came from; I have no idea how long it had
25 been there. It wasn't one that I had in the safe, so I

1 don't know.

2 Q. And can you make an "X" for me on the diagram,
3 Exhibit 6 that we have, where the gun safe was?

4 A. In the closet.

5 Q. And can you just write on that "gun safe"?

6 A. It's a safe, but a little gun fit in it.

7 Q. And that was locked?

8 A. I didn't check it that day. I figured it's
9 easier -- you know, I -- it didn't ever occur to me that
10 he would have gotten into it. He didn't have the key, I
11 did; so if he got my key, it would have been when I was
12 in the shower or sleeping. Then he'd of still had to
13 find the combination that he didn't have. So I have --
14 the last time I checked it was that Friday, and it was
15 locked.

16 Q. And so it had a lock that opened with a key
17 and also a combination lock?

18 A. Correct.

19 Q. And was the rifle also in there, to your
20 knowledge?

21 A. It wouldn't fit. There was a -- it was empty,
22 and the ammo was in the safe, as far as I know.

23 Q. Was there a point in time when you removed all
24 the guns from your house?

25 A. Last year after the 5150 because we didn't

1 with his knee, it hurt to bend over to do the drawers,
2 so he had a metal utility shelf with his clothes.

3 Q. And the gun that he picked up off of that
4 shelf, was that the Glock?

5 A. Yes.

6 Q. And so at some point, he'd taken it out of the
7 safe without you knowing about it.

8 A. Right.

9 Q. And he then fired into the ceiling?

10 A. Yes.

11 Q. How many times?

12 A. I don't know exactly. They -- a few.

13 Q. And did he say anything when he did that?

14 A. Not while he was doing it.

15 After that, he was listening and saying,
16 "There's someone up there."

17 Q. And when he was doing this, where were you and
18 Dani?

19 A. Laying on the bed.

20 Q. And Timothy was in his bedroom?

21 A. Timothy was asleep. He slept right through
22 it.

23 Q. I wish I could sleep like that.

24 A. Yeah, me, too.

25 Q. Okay. And then what did you do?

1 A. Yeah.

2 Q. Okay. And so you walked past him --

3 A. Uh-huh.

4 Q. -- to go in the kitchen?

5 A. Uh-huh.

6 Q. And you had Dani with you?

7 A. Right.

8 Q. And what happened when you got to the kitchen?

9 A. I picked up the phone, and I called 911.

10 Q. Did Richard follow you?

11 A. No. He was rummaging around in the closet.

12 Q. At any time before the 911 dispatcher came on
13 the line, did Richard come out to the kitchen?

14 A. No.

15 Q. Okay. Do you recall what you said to the
16 dispatcher?

17 A. Not explicitly, but, "I need help 'cause my
18 husband is bipolar, and he's having paranoid delusions,
19 and he's fired the gun into the ceiling, and just he
20 needs help."

21 Q. And did she ask you who else was in the house?

22 A. Yeah.

23 Q. And what did you tell her?

24 A. The kids.

25 Q. Okay. What did she tell you to do?

1 A. To take the kids and get out of the house.

2 Q. And did you do that?

3 A. No.

4 Q. Why not?

5 A. I've read enough news and seen enough stories
6 that if I had taken the kids outside, it was just
7 Richard in the house with the gun. If the police came
8 in, there was a number of ways it could have played out.
9 That's not what I wanted.

10 Q. And what did -- how did you think it might
11 play out?

12 A. That they would come in the house and there'd
13 be some kind of altercation and they'd shoot him.

14 Q. Did you have any concern at that point in time
15 that Richard might shoot at the police?

16 A. I don't know. If they came in the house,
17 maybe, if he was still armed. I don't know. He wasn't
18 talking, and I was not in his head.

19 Q. Did he say anything while you were talking to
20 the 911 operator?

21 A. "There's someone up there."

22 Q. Did he say anything about the fact that you
23 were calling the police?

24 A. No. He was in his own zone at that point.

25 Q. What's the next thing that Richard did after

1 you heard him banging around in the bedroom?

2 A. He came out into the living room and the
3 kitchen and turned off all the lights and tried to hang
4 up the phone, but he missed and pulled my octopus plug
5 out of the wall.

6 Q. What's that, octopus?

7 A. The thing that instead of being two plugs, you
8 plug it in and you get six plugs.

9 Q. And was he saying anything while he was doing
10 that?

11 A. No.

12 Q. And were you still on the phone with the
13 dispatcher at that time?

14 A. Yes.

15 Q. After the initial gunshots that he fired in
16 the bedroom, did he ever fire any more gunshots?

17 A. I don't think so.

18 Q. When the dispatcher told you to get the
19 children and get out of the house, did you go and wake
20 Timothy up?

21 A. Yes.

22 Q. So were you intending to go out at some point?

23 A. I hadn't thought that far ahead.

24 Q. So why did you wake up Timothy?

25 A. I don't know. I put him on the phone, and he

1 Q. Okay. So can you mark number 1 there?

2 (Witness complies.)

3 Q. Okay. And when you went outside, were you
4 aware at that time that there were already police
5 officers there?

6 A. Yes. The dispatcher had said that they were
7 outside before I even woke up Timothy.

8 Q. When you went outside with Richard, did you
9 see any police officers?

10 A. Yes.

11 Q. And where did you see them?

12 A. Along here.

13 Q. Okay. On --

14 A. Along -- along the front porch of 633
15 South Avenue across towards the wall of 629 that's
16 facing South Avenue.

17 Q. And how many officers could you see when you
18 first came out?

19 A. I think three or four.

20 Q. There's -- right in front of 633 South Avenue,
21 there's a little circle there. Is there a streetlight
22 in that location?

23 A. I believe so.

24 Q. And do you know whether there were any lights
25 on at 633 or 629 South Avenue when you came out?

1 A. I don't know. Thinking about it, the
2 streetlight is actually across the street. Right here
3 where the circle is, they have a tree.

4 Q. So you think that there's a streetlight in
5 front of the West Avenue Apartments?

6 A. Apartments, yes. I know there is.

7 Q. Can you just draw a circle where you think
8 that is?

9 A. And the light shines directly into the
10 driveway.

11 Q. Okay. And can you just write "light" next to
12 that so we don't forget what it is we're drawing here?

13 A. Right.

14 Q. So it was light enough out that you could see
15 the police officers?

16 A. Yes.

17 Q. Okay. And could you tell whether they had any
18 weapons?

19 A. Yes.

20 Q. And what did you see?

21 A. They were drawn.

22 Q. Could you tell what type of weapons they had?

23 A. No.

24 Q. And you saw police officers on both sides of
25 the driveway?

1 to that point from point number 1?

2 A. I was in the doorway, and I watched him walk
3 to point -- from point 1 to point 2.

4 Q. And that was in response to the officers
5 telling him to come forward?

6 A. I believe so.

7 Q. Did you hear the officers telling him to do
8 things more than once?

9 A. Yes.

10 Q. So they had to repeat several times what they
11 were telling him to do before he would do it?

12 A. Yes.

13 Q. Did you hear Richard say anything in response
14 to the commands that the officers were giving him?

15 A. No.

16 Q. And when you were standing in the doorway, did
17 you continue to look out the doorway the entire time
18 until Richard was shot?

19 A. No. I pulled my head in to check on Timothy a
20 couple times and to make sure that the windows -- that
21 the blinds were down so Timothy couldn't see, just as a
22 caution.

23 Q. So Timothy was in the kitchen on the phone?

24 A. Yes.

25 Q. So would it be fair to say you were looking

1 with him.

2 Q. And did you see him get all the way down on
3 the ground when he was in position number 2?

4 A. Not all the way.

5 Q. Did he get back up?

6 A. Yes.

7 Q. And then did he go back down again?

8 A. I don't remember.

9 Q. At any point before he was shot, did you see
10 him ever lay completely down on the ground?

11 A. I don't remember.

12 Q. And at some point, did he get up and start to
13 move towards the officers?

14 A. Yes.

15 Q. Could you describe for me what you saw then,
16 what he did?

17 A. He got up; he started walking towards them.
18 And from that point, everything just happened really
19 fast. It was like slow motion, so I can't even tell you
20 how fast it all moved, but I heard the first round go
21 off, and he kind of went like this, and --

22 Q. I'm sorry?

23 A. I'm sorry?

24 Q. He crouched over?

25 A. Yeah.

1 Q. You didn't try to put it into words, so --

2 A. Sorry. Words are kind of failing me right
3 now. He bent over or leaned over or -- and then the
4 rest of the rounds went.

5 Q. Okay. When you saw him get up and move
6 towards the officers, what type of a pace was he moving
7 at?

8 A. Slow; initially, slow.

9 Q. And then did he speed up?

10 A. I -- it was all slow motion in the eye. I
11 can't gauge. I can't gauge a speed on that.

12 Q. And what was it your perception he was doing
13 at that point?

14 A. I don't know. I was yelling at him to get
15 back down.

16 Q. And were the officers saying anything to him
17 at that point when he got up?

18 A. Probably yelling at him to get back down. I
19 don't know.

20 Q. So in your mind, this is all happening in slow
21 motion, but you're not sure in reality how fast he was
22 moving?

23 A. Right.

24 Q. That's correct?

25 A. Correct.

1 perception that he was charging at the officers?

2 A. I don't know why he was going towards them. I
3 mean, he -- he didn't have anything on him, unless he
4 was going to head-butt them. I don't know.

5 Q. But did it look to you --

6 A. It looked like he was running, if that was the
7 position he had. But he could just as easily been
8 falling. I don't know.

9 Q. And did it look like he was running towards
10 some of the police officers?

11 A. Towards them or to go past them.

12 Q. Did you think that maybe he was trying to run
13 away?

14 A. Maybe. I don't know. No. He was not the
15 type to run away.

16 Q. And when you say he's "not the type to run
17 away," what do you mean by that?

18 A. He doesn't back away from a challenge. That's
19 why he perceived me the way he did.

20 Q. So from the point in time where he was at
21 position number 2 until he walked over to or in the
22 direction where you've marked position number 3 and the
23 shots were fired, were you continually looking at what
24 was happening for that entire period of time?

25 A. When I heard the shots and I realized he was

1 being shot, I turned because I wanted to make sure that
2 my daughter didn't see that and -- so no, I wasn't
3 looking at that point, 'cause the whole time, I'd been
4 trying to keep her just inside the doorway so she
5 wouldn't see, but she's a sneaky little thing with a
6 long neck, so she saw more than I planned for her to
7 see. I didn't want her to see any of it.

8 Q. So was she on your left hip?

9 A. She was on my left hip.

10 Q. And so you were facing out with your right
11 hip --

12 A. Yes.

13 Q. -- out the door?

14 A. Yes.

15 Q. But up from the point in time that he was at
16 position number 2 until you heard the shots, were you
17 continually looking out the doorway during that period
18 of time?

19 A. I believe so.

20 Q. And during any of this time that Richard was
21 outside, did you ever hear him say anything to anyone?

22 A. I didn't hear him say anything from the time I
23 walked with him outside and told him that I needed to
24 get help and he said, "Okay." That's the only thing he
25 said.

1 you emotionally. How had he hurt you emotionally?

2 A. Not taking care of himself; not being
3 responsible for his own medication stuff.

4 Doing things that in turn hurt me and his
5 family even if it was unintentional still hurts.
6 I mean, when you say something careless, even if you
7 don't really mean it, you're just being careless, it
8 doesn't hurt the person you're saying it to any less.

9 Q. We talked about before that you had planned to
10 go to Kaiser on that Monday. Had you made an
11 appointment, or were you just going to go to the
12 emergency room?

13 A. No, he was just -- when he got back from the
14 union hall for checking in saying, "Hey, I'm actively
15 looking for work," he was going to come back, and
16 whether he wanted me to go with him or not, he was going
17 to call me and then go to the emergency room and say,
18 Hey, I need help; I need an appointment; I need
19 something.

20 Q. And you talked about with the sheriff's
21 officer that it was your feeling that if Richard was
22 confronted with a fight-or-flight situation, it was your
23 opinion he would fight?

24 A. He wasn't one to run away from a challenge.

25 Q. Had anything happened prior to Easter that you

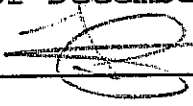
1 State of California)

2 County of Sonoma) ss

3 I, THOMAS DAVID BONFIGLI, a Certified Shorthand
4 Reporter for the State of California, hereby certify that
5 the witness in this deposition was by me duly sworn to
6 testify the truth, the whole truth and nothing but the
7 truth; that said deposition was taken at the time and
8 place therein stated; that the testimony of the said
9 witness was reported by me and was thereafter transcribed
10 under my direction into typewriting; that the foregoing
11 is a full, complete and true record of said testimony;
12 and that the witness was given an opportunity to read and
13 correct said deposition and to subscribe the same.

14 Should the signature of the witness not be affixed to the
15 deposition, the witness shall not have availed
16 himself/herself of the opportunity to sign or the
17 signature has been waived. I further certify that I am
18 not of counsel or attorney for either or any of the
19 parties in the foregoing deposition and caption, nor in
20 any way interested in the outcome of this case.

21 IN WITNESS WHEREOF, I have hereunto set my
22 hand this 17th day of December, 2007.

23 
24 THOMAS DAVID BONFIGLI,

25 C.S.R. LIC. NO. 5498